III. REMARKS

Claims 1-28 are pending in this application. Applicants do not acquiesce in the correctness of the rejections and reserve the right to present specific arguments regarding any rejected claims not specifically addressed. Further, Applicants reserve the right to pursue the full scope of the subject matter of the original claims in a subsequent patent application that claims priority to the instant application. Reconsideration in view of the following remarks is respectfully requested.

In the Office Action, claims 12, 13, 15 and 16 are rejected under 35 U.S.C. §102(b) as allegedly being anticipated by Pulsipher *et al.* (U.S. Patent No. 5,948,055), hereafter "Pulsipher." Applicants assert that the reference cited by the Office does not teach each and every feature of the claimed invention. For example, with respect to independent claim 12, and similarly 1, 7, 17 and 23, Applicants submit that the cited references fail to teach, *inter alia*, "operating the collection tools to collect device identification and detail information from devices on the network by querying each device to retrieve the device identification and detail information." In contrast, Pulsipher as cited by the Examiner, states in Column 7 lines 41-42 "[t]he network monitor 306 transmits and receives data packets to and from the network 118."

Applicants assert that the mere step of transmitting and receiving data packets is not the same as querying each device. Pulsipher only teaches transmitting to other stations, and does not teach interrogating individual devices. In Col. 9, lines 15-32 Pulsipher discloses that "a management station 100a communicates to at least one other station 100, such as a collection station 100b or a management station 100a." The discovery method of Pulsipher essentially teaches "listening" to the network, as the information stored for a topology database is received

via data packets communicated across the network in the normal course of operations. This is clearly evidenced by Pulsipher, which teaches using SNMP (Simple Network Management Protocol) Traps as a discovery tool, which are network packets that contain data relating to a component of a system. To this extent, Pulsipher does not teach or suggest querying each of the devices.

In the Office Action, claims 1-11, 14 and 17-28 are rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Pulsipher *et al.* (U.S. Patent No. 5,948,055), hereafter "Pulsipher," in view of Steele *et al.* (U.S. Patent No. 6,282,175), hereafter "Steele." Applicants assert that the references cited by the Office do not teach each and every feature of the claimed invention. As Pulsipher fails to teach or suggest the feature of querying each device, combining the references would not overcome this shortcoming. Therefore, Applicants respectfully request the removal of this rejection.

With regard to the Office's other arguments regarding dependent claims, Applicants herein incorporate the arguments presented above with respect to independent claims listed above. In addition, Applicants submit that all dependant claims are allowable based on their own distinct features. However, for brevity, Applicants will forego addressing each of these rejections individually, but reserve the right to do so should it become necessary. Accordingly, Applicants respectfully request that the Office withdraw its rejections.

IV. CONCLUSION

In addition to the above arguments, Applicants submit that each of the pending claims is patentable for one or more additional unique features. To this extent, Applicants do not

acquiesce to the Office's interpretation of the claimed subject matter or the references used in rejecting the claimed subject matter. Additionally, Applicants do not acquiesce to the Office's combinations and modifications of the various references or the motives cited for such combinations and modifications. These features and the appropriateness of the Office's combinations and modifications have not been separately addressed herein for brevity. However, Applicants reserve the right to present such arguments in a later response should one be necessary.

In light of the above, Applicants respectfully submit that all claims are in condition for allowance. Should the Examiner require anything further to place the application in better condition for allowance, the Examiner is invited to contact Applicants' undersigned representative at the number listed below.

Respectfully submitted,

/Michael F. Hoffman/

Michael F. Hoffman
Reg. No.: 40,019
(ND)

Date: December 1, 2008

Hoffman Warnick LLC
75 State Street, 14th Floor
Albany, New York 12207
(518) 449-0044
(518) 449-0047 (fax)